



Complaint Procedures

Pursuant to programs administered under the No Child Left Behind Act of 2001(NCLB)

This document addresses the requirements of 20 USC § 7844 and 20 USC § 7883 for resolving complaints applicable to covered federal programs.¹ A complaint may be submitted by any individual or organization, in-state or out-of-state, and is defined as a written, signed allegation that a federal or state law, rule, or regulation has been violated by a Local Educational Agency (LEA)² or the Indiana Department of Education (IDOE). A complaint must include a statement that an LEA or the IDOE has violated a statute, rule, or regulation applicable to a covered program and the facts on which the statement is based. The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

PART 1: A complaint may be filed by parents, teachers, administrators, or other concerned individuals or organizations. NCLB also provides that nonpublic school officials have the right to formally complain to the IDOE if they believe an LEA did not engage in consultation that was meaningful and timely, or if the LEA did not give due consideration to the views of the nonpublic school officials. Any complaint involving the poverty data on nonpublic students may also be addressed to the IDOE.

(A) As part of its *Assurances* within NCLB program grant applications, an LEA accepting federal funds also agrees to adopt local written procedures for the receipt and resolution of complaints alleging violations of law in the administration of covered programs. Therefore, for complaints originating at the local level, a complaint should not be filed with the IDOE until every effort has been made to resolve the issue through local written complaint procedures.

(B) Complaints to the IDOE shall provide, in writing, the facts on which the complaint is based, and must be signed. Complaints may be faxed or mailed. Persons making written complaints shall register such complaints with the director of the affected program division (e.g., Division of Compensatory Education, Title I); Indiana Department of Education; Room 299, State House; Indianapolis, Indiana 46204.

¹ Title I, Part A; Title I, Part B, Subpart 3 (Even Start); Title I, Part C (Migrant); Title I, Part D (N/D); Title I, Part F (CSR); Title III, Part A (English Language Acquisition); Title IX, Part C (Homeless)

² Local Educational Agency (LEA) shall have the meaning set forth at 20 USC § 7801(26).

PART 2: Upon receipt of a complaint:

(A) The IDOE will issue a letter of acknowledgement to the complainant that contains the following information:

- The date that the IDOE received the complaint;
- How the complainant may provide additional information;
- A statement of the ways in which the IDOE may investigate the complaint;
- The IDOE's commitment to issue a resolution in the form of a "Letter of Findings."

If the complaint involves an LEA, the IDOE also will send a copy of the acknowledgment letter to the local superintendent or corresponding administrator, along with a copy of the complaint.

(B) The Assistant Superintendent of the relevant IDOE division will assign a DOE staff person to be the Complaint Investigator.

(C) The Complaint Investigator will:

- a. Carry out an independent on-site investigation, if the IDOE determines that such an investigation is necessary;
- b. Review all relevant information and make an independent determination as to whether the public agency has complied with the federal program(s) in question;
- c. Issue a complaint investigation report, entitled *Letter of Findings*, to the complainant that addresses each allegation in the complaint and contains Findings of Fact, Conclusions, and Corrective Actions (with a specified timeline) where warranted, as well as the reasons for the IDOE's final decision.

(D) Where there are exceptional circumstances present with regard to a particular complaint, an extension of time can be granted to complete the investigation. Time extensions may only be granted after review by the Assistant Superintendent of the Division in which the affected program is located.

PART 3: When investigating complaints concerning the IDOE, the Complaint Investigator will adapt the process used for LEAs. The complainant will be notified of the procedures being followed to investigate the complaint and provide the complainant an appropriate opportunity to review any corrective action the IDOE proposes to take.

PART 4: The IDOE will review and investigate complaints and complete the *Letter of Findings* within 60 calendar days of receipt of a complaint. Complainant(s) will be notified, in writing, if exceptional circumstances exist requiring an extension of the 60-day time period, as described in Part 2(D). A complaint is considered resolved when the

IDOE has released the *Letter of Findings* and corrective action has been achieved, where warranted.

PART 5: For complaints filed regarding 20 USC § 7883, a complainant may appeal the IDOE's complaint resolution to the Secretary of Education (U.S. Department of Education) not later than 30 days from the date on which the complainant receives the *Letter of Findings*. The appeal must be accompanied by a copy of the IDOE's resolutions and a complete statement of the reasons supporting the appeal.

ATTACHMENT: 20 USC § 7844, 20 USC § 7883

United States Code

Title 20 Chapter 70 Subchapter IX Part C § 7844

§ 7844 General applicability of State educational agency assurances

(a) Assurances

A State educational agency, in consultation with the Governor of the State, that submits a consolidated State application under this chapter, whether separately or under section 7842 of this title, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

- (1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
- (2)
 - (A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indiana tribe, if the law authorizing the program provides for assistance to those entities; and
 - (B) the public agency, nonprofit private agency, institution, or organization, or Indiana tribe will administer those funds and property to the extent required by the authorizing law;
- (3) the State will adopt and use proper methods of administering each program, including—
 - (A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;
 - (B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation, and
 - (C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;
- (4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;
- (5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;
- (6) the State will—
 - (A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and
 - (B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties, and
- (7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

(b) GEPA provision

Section 441 of the General Education Provisions Act [20 U.S.C. 1232d] shall not apply to programs under this chapter.

United States Code
Title 20 Chapter 70 Subchapter IX Part E § 7883

§ 7883 Complaint process for participation of private school children

(a) Procedures for complaints

The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 7881 of this title by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

(b) Appeals to Secretary

The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. The appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 120 days after receipt of the appeal.